

Response to Resistance Report

Key West Police Department

Case No: 21-4803

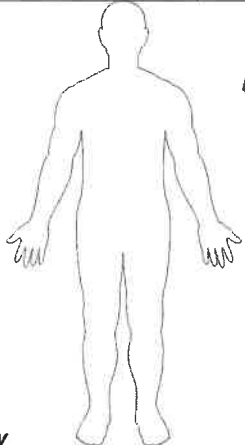
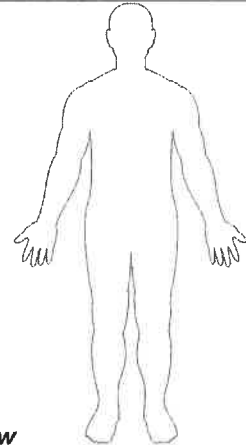
1. A Response to Resistance Report will be completed by the supervisor for: (Check all that apply)

- ☒ A response through the use of non-lethal weapons,
☐ Applies weaponless physical force of strikes, kicks, or "take-downs"
☐ When any person sustains an apparent substantial or fatal injury as a result of the application of force
☐ When any person complains of injury as a result of the application of force
☐ Discharge of firearm in the line of duty off-duty or on-duty (other than for training, maintenance or ballistics testing)

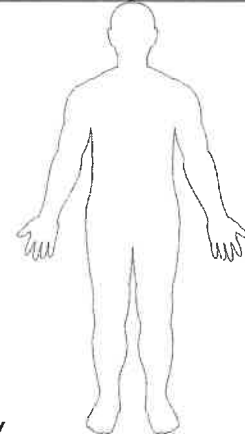
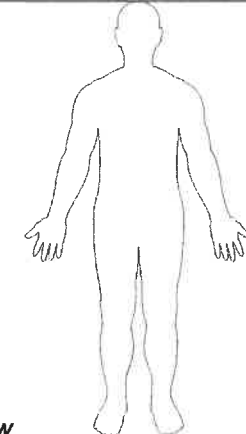
2. Date: 09/04/2021 **3. Time:** 0153 Hrs **4. Location:** 418 Appelrouth Lane **5. Incident type:** S36B**6. Resistance Level** **7. Explanation** **8. Response Option** **9. Explanation**

- ☒ Passive: IGNORED VERBAL COMMAN
☒ Active: RAN AFTER ORDER TO STOP
☐ Aggressive:
☐ Deadly Force:
☐ Physical Control
☒ Non-lethal Weapon TASER PROBE DEPLY
☐ Deadly Force

10. Last Name: Montenegro **11. First:** Jose **12. Race:** W **13. Sex:** M**14. DOB:** 09/03/1995 **15. Height:** 5'08" **16. Weight:** 170 lbs**17. Did you observe the subject:** ☐ No ☒ Yes If NO, explain why in Section 42. If "YES", complete sections 18-22**18. Appeared to be:** ☒ Intoxicated ☐ Under the influence of controlled substance ☐ Emotionally / mentally disturbed**19. Injuries:** ☒ No ☐ Evident ☐ Alleged (If Evident or Alleged, describe and indicate areas on charts in Section 22)**20. Photographed:** ☐ No ☒ Yes **21. Treated:** ☒ No ☐ Yes **By:** ☐ EMT/Paramedic on scene ☐ Hospital ☐ Detention

SUBJECT	
 22. Anterior View	 Posterior View

23. Officer: LEO HERNANDEZ **24. W** **25. Sex:** M **26. Age:** 46 **27. Height:** 5'04" **28. Weigh:** 150 lbs**29. Duty Status:** ☒ On-duty ☐ Off-duty ☐ Extra duty employment ☒ Uniformed ☐ Plain clothes **30. Yrs Exp:** 1.5**31. Injuries:** ☒ No ☐ Evident ☐ Alleged (If Evident or Alleged, describe and indicate areas on charts in Section 35)**32. Photographed:** ☒ No ☐ Yes **33. Treated:** ☒ No ☐ Yes **By:** ☐ EMT/Paramedic on scene ☐ Hospital**34. Response option used by this officer:** Arm bar escort to the ground.

OFFICER	
 35. Anterior View	 Posterior View

Response to Resistance Report (continued)

Key West Police Department

Case No: 21-4803

TASER USE ONLY	36. TASER® device serial # X1200CRPK		37. TASER® device serial #	
	TASER®Cam serial # V21002AK9		TASER®Cam serial #	
	Cartridge 1 serial # C4109W1DA		Cartridge 1 serial #	
	Cartridge 2 serial #		Cartridge 2 serial #	
	Number of cycles: 1		Number of cycles:	
	Type of contact: <input checked="" type="checkbox"/> Probe <input type="checkbox"/> CODS <input type="checkbox"/> Drive Stun		Type of contact: <input type="checkbox"/> Probe <input type="checkbox"/> CODS <input type="checkbox"/> Drive Stun	
	Did probes penetrate skin: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Did probes penetrate skin: <input type="checkbox"/> Yes <input type="checkbox"/> No	
	Target distance at probe launch: 5 feet		Target distance at probe launch:	
	Distance between probes: N/A		Distance between probes:	
	Probes removed by (name): N/A		Probes removed by (name):	
Device downloaded by: Sgt. Stockton		Device downloaded by:		
<input type="checkbox"/> 38. Check and list any additional TASER® devices, cartridges or details in the incident description section.				
REPORT	39. Offense/Incident Report and/or Warrant Affidavit must include:			
	<input checked="" type="checkbox"/> All necessary criminal elements. <input checked="" type="checkbox"/> All details of the arrest <input checked="" type="checkbox"/> Details articulating the subject's words, mannerisms and actions that justify the use of force. <input checked="" type="checkbox"/> Details outlining the response to resistance utilized by each officer. <input checked="" type="checkbox"/> Detailed description of injury complaints and/or observed injuries <input checked="" type="checkbox"/> Details outlining the decontamination, first aid or medical treatment provided to the officer and/or subject.			
SUPERVISOR'S INQUIRY	40. Notified Date: 09/04/2021		41. Time: 0400 hrs	
	42. Did you respond to the scene: <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (If "No", explain why)			
	43. Did you watch all relevant videos associated with the use of force? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (If "No", explain why)			
	Unable to view the Taser video.			
	44. Did you meet with the Officer(s): <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (If "No", explain why)			
	45. During your review did you find any potential policy violations or training issues associated with the incident? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (If "Yes," list below)			
	46. Were you able to locate any independent witnesses: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (If "Yes," list below)			
	Name		Address	
	Phone Number			
	47. Is further review recommended: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		3631	
FORWARD COMPLETED ORIGINAL REPORT TO INTERNAL AFFAIRS		September 6, 2021		
INT. AFF.	50. Did the review of this incident conclude that use of force was in compliance with Departmental policy? <input type="checkbox"/> No <input type="checkbox"/> Yes If "No", complete section 51)		51. Signature of Internal Affairs Inspector	
	53. If section 48 is "No" record the Professional Standards Control Number:		54. Date Entered:	
	52. Date			

INCIDENT/INVESTIGATION REPORT

I N C I D E N T D A T A	Agency Name Key West Police Department		INCIDENT/INVESTIGATION REPORT		Case# 21-004803		
	ORI FL0440100				Date / Time Reported 09/04/2021 01:38 Sat		
	Location of Incident 418 APPELROUTH LN, Key West FL 33040-			Premise Type Parking Lot / Area Other	Beat/GP B1, GPB1	Last Known Secure 09/04/2021 01:38 Sat	
						At Found 09/04/2021 01:38 Sat	

V I C T I M	#1	Crime Incident(s) Resist Arrest / Escape XOM	(Com)	Weapon / Tools NOT APPLICABLE/NONE			Activity	
				Entry	Exit	Security		
	#2	Crime Incident	()	Weapon / Tools			Activity	
				Entry	Exit	Security		
	#3	Crime Incident	()	Weapon / Tools			Activity	
				Entry	Exit	Security		

O T H E R I N V O L V E D	# of Victims 1		Type: SOCIETY/PUBLIC/STATE		Injury:		Domestic: N					
	V1	Victim/Business Name (Last, First, Middle) Society			Victim of Crime # 1,	DOB Age	Race	Sex	Relationship To Offender	Resident Status N/A	Military Branch/Status	
	Home Address									Home Phone		
	Employer Name/Address							Business Phone		Mobile Phone		
	VYR	Make	Model	Style	Color	Lic/Lis	VIN					
	CODES: V- Victim (Denote V2, V3) O = Owner (if other than victim) R = Reporting Person (if other than victim) Type: Injury:											
	Code	Name (Last, First, Middle)			Victim of Crime #	DOB Age	Race	Sex	Relationship To Offender	Resident Status	Military Branch/Status	
	Home Address									Home Phone		
	Employer Name/Address							Business Phone		Mobile Phone		
	Type: Injury:											
	Code	Name (Last, First, Middle)			Victim of Crime #	DOB Age	Race	Sex	Relationship To Offender	Resident Status	Military Branch/Status	
	Home Address									Home Phone		
	Employer Name/Address							Business Phone		Mobile Phone		

P R O P E R T Y	L = Lost S = Stolen R = Recovered D = Damaged Z = Seized B = Burned C = Counterfeit / Forged F = Found ("OJ" = Recovered for Other Jurisdiction)										
	VI #	Code	Status Fm/To	Value	OJ	QTY	Property Description	Make/Model	Serial Number		
		34	EVID	\$0.00		1	AXON FLEET 3452				
		35	EVID	\$0.00		1	BWC 3452				
		99	EVID	\$0.00		1	TASER CARTRIDGE				
		99	EVID	\$0.00		3	TASER AFITS				

Officer/ID# HERNANDEZ, LEONARDO (3452)		Invest ID# (0)		Supervisor HAMMERS, JESSE L (3631)	
Complainant Signature		Case Status <i>Cleared By Arrest</i>		Case Disposition: <i>Cleared By Arrest</i>	
		09/04/2021		09/04/2021	

R_CS1BR
Printed By: JHAMMERS, L19110 # jhammers
Sys#: 1
09/04/2021 04:21

Incident Report Additional Name List

Key West Police Department

OCA: 21-004803

Additional Name List

Name Code/#	Name (Last, First, Middle)	Victim of Crime #	DOB	Age	Race	Sex
1) WI 1	VIAU, HANNAH ESTHER		08/13/1996	25	W	F
	Address 1101 PETRONIA STREET Apt. 4, KEY WEST, FL 33040-		H: 717-715-4996			
	Empl/Addr		B: - -			
			Mobile #: - -			

INCIDENT/INVESTIGATION REPORT

Key West Police Department

Case # 21-004803

Status Codes L = Lost S = Stolen R = Recovered D = Damaged Z = Seized B = Burned C = Counterfeit / Forged F = Found

D R U G S	UCR	Status	Quantity	Type Measure	Suspected Type	Up to 3 types of activity

Assisting Officers

LITTON, A.J. (3958), HOWELL, W.N. (4059)

Suspect Hate / Bias Motivated:

NARRATIVE

REPORTING OFFICER NARRATIVE

Key West Police Department

OCA

21-004803

Victim

Society

Offense

RESIST ARREST / ESCAPE

Date / Time Reported

Sat 09/04/2021 01:38

On Saturday September 4th, 2021, at about 0153 hours, I, Ofc. (L. Hernandez), was dispatched to 418 Appelrouth Lane, in reference to a physical incident.

Upon arrival, I saw a Hispanic shirtless male, later identified as Jose Alberto Moran Montenegro (DOB 09/03/1995) (Arrestee), yelling across the parking lot behind San Carlos Theater. As I pulled over near Montenegro, I identified myself as a Key West Police Officer. Montenegro immediately began to run away from me, North of Appelrouth, heading towards Fleming Street. I gave Montenegro loud and clear commands to stop but he kept running.

As we approached Babcock Lane, Montenegro stopped, turned around and faced me. I told Montenegro to get on the ground, he refused and seemed to be turning around to try to run away again. I unholstered my taser and pointed it at Montenegro, as I was giving him clear and loud commands to get on the ground. Once again, Montenegro did not comply with my lawful orders. I deployed my taser and the probes made contact with Montenegro's t-shirt he was holding on his right hand, missing Montenegro's body. Montenegro said "spanish please", I ordered him to get on the ground in Spanish and he complied. I placed Montenegro in handcuffs, while Ofc. N. Howell arrived on scene to assist me.

Ofc. Howell and I walked Montenegro to my patrol vehicle where I conducted a search incident to arrest of his person. Ofc. A. Litton also arrived on scene to assist. I asked Montenegro why he ran, and he said, "I was scared". Ofc. Howell obtained a sworn written statement from Hanna Esther Viau (DOB 08/13/1996). Viau stated that while she was walking down Appelrouth Lane, she saw Montenegro in a physical altercation with another male and that a woman that seemed to know them was standing near them. Viau stated "both male were punching eachother". Viau also stated the unknown male left the scene in a white electric bicycle before we arrived, and she lost sight of the female. When I asked Montenegro who the other party involved was, he could not tell me who they were or which direction of travel they went. I was able to capture a strong smell of alcoholic beverage (s) emanating from Montenegro's breath and body while I was talking to him. I asked Montenegro if he needed medical attention and he declined.

I transported Montenegro to the Monroe County Detention Center where he was turned over to Detention Deputies without incident.

Based on all facts and evidence, I believe that on September 4, 2021, Montenegro committed the misdemeanor criminal offense of Resisting an Officer without violence as described in F.S. 843.02. Montenegro kept running away as I was giving him loud and clear commands to stop. During my encounter with Montenegro, I was wearing my Key West Police issued Class B uniform which clearly identifies me as a law enforcement officer.

My Axon Fleet and BWC (3452) were both activated during this incident. Nothing else at this time.

Incident Report Suspect List

Key West Police Department

OCA: 21-004803

1	Name (Last, First, Middle)					Also Known As					Home Address				
	MONTENEGRO, JOSE ALBERTO										1202 DUVAL ST KEY WEST, FL 33040 305-587-8400				
	Business Address														
	DOB	Age	Race	Sex	Eth	Hgt	Wgt	Hair	Eye	Skin	Driver's License / State.				
	09/03/1995	26	W	M	N	508	170	BLK	BLK	LBR					
Scars, Marks, Tattoos, or other distinguishing features															
Reported Suspect Detail		Suspect Age		Race		Sex		Eth		Height		Weight		SSN	
Weapon, Type		Feature		Make		Model		Color		Caliber		Dir of Travel		Mode of Travel	
VehYr/Make/Model		Drs		Style		Color		Lic/St		VIN					
Notes										Physical Char					

Incident Report Related Property List

Key West Police Department

OCA: 21-004803

1 Property Description AXON FLEET 3452		Make		Model		Caliber	
Color	Serial No.	Value \$0.00	Qty 1.000	Unit EA	Jurisdiction Locally		
Status Evidence	Date 09/04/2021	NIC #	State #	Local #	OAN		
Name (Last, First, Middle) Viau, Hannah Esther			DOB 08/13/1996	Age 25	Race W	Sex F	

Notes

2 Property Description BWC 3452		Make		Model		Caliber	
Color	Serial No.	Value \$0.00	Qty 1.000	Unit EA	Jurisdiction Locally		
Status Evidence	Date 09/04/2021	NIC #	State #	Local #	OAN		
Name (Last, First, Middle) Viau, Hannah Esther			DOB 08/13/1996	Age 25	Race W	Sex F	

Notes

3 Property Description TASER CARTRIDGE		Make		Model		Caliber	
Color	Serial No.	Value \$0.00	Qty 1.000	Unit EA	Jurisdiction Locally		
Status Evidence	Date 09/04/2021	NIC #	State #	Local #	OAN		
Name (Last, First, Middle) Viau, Hannah Esther			DOB 08/13/1996	Age 25	Race W	Sex F	

Notes

4 Property Description TASER AFITS		Make		Model		Caliber	
Color	Serial No.	Value \$0.00	Qty 3.000	Unit EA	Jurisdiction Locally		
Status Evidence	Date 09/04/2021	NIC #	State #	Local #	OAN		
Name (Last, First, Middle) Viau, Hannah Esther			DOB 08/13/1996	Age 25	Race W	Sex F	

Notes

CASE SUPPLEMENTAL REPORT
NOT SUPERVISOR APPROVED

Printed: 09/06/2021 06:01

OCA: **21004803**

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Investigator: *HOWELL, WILLIAM N (4059)*

Date / Time: *09/06/2021 02:26:55, Monday*

Supervisor: *(0)*

Supervisor Review Date / Time: *NOT REVIEWED*

Contact:

Reference: *General Supplemental Report*

On Sunday, 09/04/2021 at approximately 0138 hours; Ofc. Hernandez and I (Ofc. Howell) were dispatched to 418 Applerouth Lane (Leathermaster) regarding a potential physical disturbance.

As Ofc. Hernandez and I arrived on scene; an unknown Hispanic male attempted to flee on foot. The unknown Hispanic male ran behind 524 Duval Street (Virgilio's) heading north toward Fleming Street. Ofc. Hernandez and I gave loud, but clear and concise verbal commands to stop. The unknown Hispanic male refused to comply. Given these circumstances and the unknown Hispanic male's level of resistance rising, Ofc. Hernandez deployed his taser. Ofc. Hernandez's taser malfunctioned and did not strike the unknown male subject however, the unknown Hispanic male subject stopped and laid on his stomach, face down. I placed my knees across the unknown male subject's leg to prevent him from attempting to stand, while Ofc. Hernandez holstered his taser and placed the unknown Hispanic male subject in handcuffs.

Ofc. Hernandez and I walked the unknown Hispanic male subject to Ofc. Hernandez's patrol vehicle. Ofc. Hernandez and I searched the unknown Hispanic male subject subsequent to arrest.

Ofc. Hernandez stated the unknown Hispanic male subject said his name was Jose Laron-Montengro (DOB: 09/03/1995, Arrestee). Ofc. Hernandez said that Laron-Montengro continued to state that he did not speak English. Ofc. Hernandez continued to question Laron-Montengro in Spanish while I obtained a written witness statement from Hannah E. Viau (DOB: 08/13/1996, Witness). I provided the signed witness statement form to Ofc. Hernandez.

Ofc. Hernandez place a copy of the signed witness statement in the Key West Records Department.

My BWC was activated for the encounter with Laron-Montengro and witness statement of Viau. I uploaded the video to Evidence.com.

At this time, no further information.

Investigator Signature: _____